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# BIRCH, STEWART, KOLASCH & BIRCH, LLP

P.O. Box 747 • Falls Church, Virginia 22040-0747  
Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

Attorney Docket No. 0756-0124P

# COPY

## COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT AND DESIGN APPLICATIONS

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Insert Title:

FUNCTIONAL VITAMIN D DERIVATIVES AND METHOD OF DETERMINING 25-HYDROXY- AND 1 $\alpha$ ,25-DIHYDROXY VITAMIN D

Fill in Appropriate  
Information -  
For Use Without  
Specification  
Attached:

the specification of which is attached hereto. If not attached hereto,  
the specification was filed on March 3, 2004 as  
United States Application Number 10/790,746  
and amended on \_\_\_\_\_ (if applicable) and/or  
the specification was filed on \_\_\_\_\_ as PCT  
International Application Number \_\_\_\_\_ and was  
amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Insert Priority  
Information:  
(if appropriate)

### Prior Foreign Application(s)

### Priority Claimed

<u>198 28 379.2</u> (Number)	<u>DE</u> (Country)	<u>June 25, 1998</u> (Month/Day/Year Filed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<u>198 40 435.2</u> (Number)	<u>DE</u> (Country)	<u>September 4, 1988</u> (Month/Day/Year Filed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Month/Day/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional applications(s) listed below.

Insert Provisional  
Application(s):  
(if any)

_____ (Application Number)	_____ (Filing Date)
_____ (Application Number)	_____ (Filing Date)

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior to the Filing Date of This Application:

Insert Requested  
Information:  
(if appropriate)

Country	Application Number	Date of Filing (Month/Day/Year)
_____	_____	_____
_____	_____	_____

I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States and/or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Insert Prior U.S.  
Application(s):  
(if any)

<u>09/720,338</u> (Application Number)	<u>December 22, 2000</u> (Filing Date)	<u>Pending</u> (Status - patented, pending, abandoned)
<u>PCT/EP99/04418</u> (Application Number)	<u>June 25, 1999</u> (Filing Date)	<u>Entered National stage</u> (Status - patented, pending, abandoned)

I hereby appoint the practitioners at CUSTOMER NO. 02292 as my attorneys or agents to prosecute this application and/or an international application based on this application and to transact all business in the United States Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the practitioners, unless the inventor(s) or assignee provides said practitioners with a written notice to the contrary:

Send Correspondence to:

**BIRCH, STEWART, KOLASCH & BIRCH, LLP** or CUSTOMER NO. 02292

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Full Name of First  
or Sole Inventor:  
Insert Name of  
Inventor  
Insert Date This  
Document is Signed

Insert Residence  
Insert Citizenship

Insert Post Office  
Address

Full Name of Second  
Inventor, if any:  
see above

Full Name of Third  
Inventor, if any:  
see above

Full Name of Fourth  
Inventor, if any:  
see above

GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Franz Paul ARMBRUSTER	<i>Franz Paul Armbruster</i>	May - 27 <sup>th</sup> - 2004
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GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Jens TAMPE (formerly SCHWING)		
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GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
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Residence (City, State & Country)	CITIZENSHIP	
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Reitmorstrasse 54, 80538 München, GERMANY		

\*DATE OF SIGNATURE

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or Sole Inventor:  
Insert Name of  
Inventor  
Insert Date This  
Document is Signed

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Insert Citizenship

Insert Post Office  
Address

Full Name of Second  
Inventor, if any:  
see above

Full Name of Third  
Inventor, if any:  
see above

Full Name of Fourth  
Inventor, if any:  
see above

GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Franz Paul ARMBRUSTER		
Residence (City, State & Country)	CITIZENSHIP	
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GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
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GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Jens TAMPE (formerly SCHWING)		
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or Sole Inventor:  
Insert Name of  
Inventor  
Insert Date This  
Document is Signed

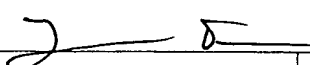
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Insert Citizenship

Insert Post Office  
Address

Full Name of Second  
Inventor, if any:  
see above

Full Name of Third  
Inventor, if any:  
see above

Full Name of Fourth  
Inventor, if any:  
see above

GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Franz Paul ARMBRUSTER		
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Wolfgang VOELTER		
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Jens TAMPE (formerly SCHWING)		13 July 2004
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GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
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see above

Full Name of Third  
Inventor, if any:  
see above

Full Name of Fourth  
Inventor, if any:  
see above

GIVEN NAME/FAMILY NAME Franz Paul ARMBRUSTER	INVENTOR'S SIGNATURE	DATE*
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GIVEN NAME/FAMILY NAME Christian BIRKMAYER	INVENTOR'S SIGNATURE 	DATE* 26-05-04
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